IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 23374 of 1998

Between:

1 Lakkireddy Pitchi Reddy S/o Pitchi Reddy
R/o Vetrampeta , B.Koduru Mandal ,
Cuddapah District.
2 Lakkireddy Ramana Reddy S/o Pitchi Reddy
R/o Vetrampeta , B.Koduru Mandal ,
Cuddapah District.
3 Lakkireddy Ramachandra Reddy S/o Pitchi Reddy
R/o Vetrampeta , B.Koduru Mandal ,
Cuddapah District. ..... PETITIONERS

AND

1 The District Collector, Cuddapah District.
2 The Regional Manager State Bank of India
Tirupathi , Chittoor district.
3 The Manager, State Bank of India,
Tekurpeta Branch , Porumamilla Mandal ,
Cuddapah District. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pass an order or direction or writ, under Art.226 of the Constitution of India , more particularly one in the nature of the Writ of Mandamus directing the respondents to write-off the loans granted to the petitioners from the 3rd respondent bank under the Agricultural and Rural Debt Relief Act, 1990.

Counsel for the Petitioner : Mr.C.DAMODHAR REDDY

Counsel for Respondent No.1 : G.P. FOR REVENUE

Counsel for Respondent Nos.2 & 3: Mr.M.NARENDER REDDY

The Court made the following :

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ORDER:

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In the present writ petition, the petitioners seek a direction to the respondents to write off the agricultural loans under Agricultural and Rural Debt Relief Scheme, 1990.

The petitioners herein are stated to be poor and small farmers of Porumamilla and Sankhavaram village of Cuddapah district. That all of them had borrowed loan of Rs.5000/- from the third respondent bank during the year 1986-87 and allege that they are affected by drought in the said year and about 44 mandals were declared as drought affected areas by first respondent District Collector. It is also alleged that in the year 1988 and 1989 their crops and houses were damaged due to heavy rains in the area and that the first respondent had declared most of the villages in the District as flood affected areas and issued notification dated 31-12-1988, leaving aside, petitioners villages. It is further alleged that in July, 1989 also the crops were damaged due to heavy rains and flash floods in the district and the first respondent has declared certain villages in different mandals as flood affected and issued a notification dated
18-8-1989. It is stated that the Agricultural Officer, Porumamilla village has certified that due to cyclonic rains on the night of 8-11-1989, crops in the petitioners' villages were damaged. Thus, they contend that they are covered by the provisions of Agricultural and Rural Debt Relief Scheme,1990, which prescribes that if a farmer was affected in two Faslies, out of three Faslies, he is entitled for relief to an extent of Rs.10,000/-.

Learned counsel for petitioners submitted that all the petitioners are poor and small farmers, suffered with drought and floods and are entitled to relief under Agricultural and Rural Debt Relief Scheme,1990 for writing off their loans to an extent of Rs.10000/-.

Learned counsel appearing for respondent bank submitted that the petitioners are not entitled to the relief of writing off the loans in as much as the subject villages were not declared as drought or flood affected areas by the competent authority i.e., District Collector. It is also submitted that identical issue fell for consideration before this Court in W.P.14174 of 1994 and the said writ petition was dismissed by order dated 5-7-2002, in following terms;

" This writ petition has been filed by 56 petitioners seeking a writ of mandamus

directing the respondents to consider the petitioners case in writing off the loans obtained by them from the 3rd respondent-State Bank of India.

The prayer sought for in the writ petition is for writing off the loans obtained from the State Bank of India, Tekurpeta Branch. It is stated that the Bank has no power to write-off the debts unless a direction is issued by the appropriate Government. The writ petition, in my opinion, has absolutely no merits and, therefore, it is dismissed. No costs."

Heard learned counsel for petitioner, learned Government Pleader for Revenue and Mr. M. Narendar Reddy, learned Standing Counsel for respondent bank.

Whether the petitioners are entitled to the relief under the Agricultural and Rural Debt Relief Scheme, 1990 for writing off the loans or not has to be decided by the concerned authority i.e., the District Collector, after taking into consideration the extent of loss suffered by the petitioners due to drought or floods, as the case may be. This Court cannot issue a direction to write off the loans in question. The writ petition fails and accordingly the same is dismissed. However, this order does not bar the petitioners to avail one time settlement scheme introduced by the bank. If any such applications are made by the petitioners, the respondent-bank shall consider the same and pass appropriate orders in accordance with law. No costs.

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N.V.RAMANA, J

Date: 18.3.2005

TVK/DA

To

1 The District Collector, Cuddapah District.
2 The Regional Manager State Bank of India
Tirupathi , Chittoor district.
3 The Manager, State Bank of India,
Tekurpeta Branch , Porumamilla Mandal, Cuddapah District.

4 Two CCs to the G.P.for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.

Enclosing along with a copy of the judgment dated 05-07-2002 made in W.P.No.14174 of 1994, R-1 to R-5.